

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO: 5:14-CV-106-MOC-DSC**

<b>WHITNEY NICOLE SHAFFER,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b><u>ORDER</u></b>
	)	
<b>v.</b>	)	
	)	
<b>JAMES C. GAITHER,</b>	)	
	)	
<b>Defendant.</b>	)	

**THIS MATTER** is before the Court on Defendant's respective "Motion[s] to Dismiss" in his official and individual capacities (documents ##17 and 22) and Plaintiff's "Consent Motion to File an Amended Complaint" (document #27).

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and these Motions are now ripe for the Court's determination.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B) (emphasis added). Plaintiff filed her Motion on September 19, 2014, seventeen days after Defendant filed his Motion to Dismiss in his individual capacity. For that reason, and with Defendant's consent, Plaintiff's "Consent Motion to File an Amended Complaint" will be granted.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

**IT IS HEREBY ORDERED** that:

1. Plaintiff's "Consent Motion to File an Amended Complaint" (document #27) is **GRANTED**. Plaintiff shall file her amended complaint within fifteen days of this Order.
2. Defendant's "Motion[s] to Dismiss" (documents ##17 and 22) are **DENIED** administratively as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: September 22, 2014

  
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David S. Cayer  
United States Magistrate Judge

